



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on July 23, 2009

[Approved on August 19, 2009]

Prepared by: Terry Wood

Meeting Location: New Bedford Whaling Museum, New Bedford, MA.

- 1. Call to Order:** Robert Luhrs called the meeting to order at 1:25 p.m. Also present were Gail Batchelder, Janine Commerford, Kirk Franklin, Christophe Henry, Gretchen Latowsky, and Kelley Race. Debra Farnsworth joined the meeting at 2:10 p.m. Committee members absent: Jack Guswa and Debra Stake. Staff members present were Allan Fierce, Brian Quinlan, Lynn Read, Terry Wood, Al Wyman and Ron Viola. Also present was Wes Stimpson of the LSP Association and Deborah Marshall of MassDEP.
- 2. Announcements:** None.
- 3. Previous Minutes:** The draft minutes of the meeting held on June 25, 2009 were approved with edits.
- 4. Old Business**

A. Status of CRTS

At Mr. Luhrs' request, the chair of each CRT reported on progress made since the June meeting.

B. Report from Screening Team re: 09C-01

The screening team (Ms. Batchelder, Mr. Henry and Ms. Wood) make a recommendation to the Board that the complaint should be dismissed without investigation by a Complaint Review Team because the allegations in the complaint, if true, would not warrant discipline against the LSP. The complaint was filed by a private party and alleged, among other things, that the LSP had inappropriately determined in a Response Action Outcome Submittal that

the complainant's property was not within the disposal site of a release on the adjacent property. The screening team reported that, after review of the LSP's RAO submittal and other information from the MassDEP file, they do not believe the LSP erred in not including the complainant's property in the disposal site for the adjacent auto salvage yard because the releases on the two properties appeared to be distinct and there was no evidence that the LSP's client had ever operated on the adjacent parcel. After discussion, a motion was made and seconded that the complaint should be dismissed prior to investigation by a Complaint Review Team. The motion passed unanimously.

C. Report from Course Subcommittee

Mr. Fierce stated that the subcommittee has not met.

5. New Business: None.

6. Future Meetings

The Committee is scheduled to meet on August 19 at MassDEP's Central Regional Office in Worcester. The Committee is also scheduled to meet on September 30 at a location to be determined.

7. Adjournment: The meeting was adjourned at approximately 2:09 p.m.